

# HEERDE LAW PLLC

Matthew C. Heerde, Esq  
mheerde@heerdelaw.com

48 Wall Street 31st Floor  
New York, NY 10005  
Tel: (347) 460-3588  
Fax: (347) 535-3588

\*Admitted to practice:  
New York and California

February 29, 2024

## **VIA ECF**

Honorable District Court Judge Cathy Seibel  
United States District Court  
Southern District of New York  
The Hon. Charles L. Brieant Jr. United States Courthouse  
300 Quarropas St Courtroom 621  
White Plains, NY 10601

Re: *Allen v. Padilla*, Docket No. 22-cv-09523  
**Joint request for adjournment of March 20, 2024 Conference and related dates**

Dear Judge Seibel:

This firm represents defendant in the above-referenced action. We write jointly with Plaintiff to respectfully request a brief adjournment of the upcoming March 20, 2024 case management conference and related dates.

Presently, pursuant to the Court's August 14, 2023 Scheduling Order (Doc 35) pre-summary judgment motion letters are due March 6, the fact discovery deadline is March 8, and a Case Management Conference is scheduled in White Plains for March 20 at 12:15 pm.

Despite the parties' best efforts, the parties still need to complete the deposition of one non-party witness, and this deposition is scheduled for March 14. Plaintiff had previously scheduled this deposition to proceed via Zoom on February 22, and both sides' counsel appeared for the deposition via Zoom on February 22, but the witness experienced technical difficulties that morning and was unable to appear. This deposition is now scheduled to proceed in person in Newburgh, New York on March 14.

Accordingly, the parties jointly respectfully request the Court adjourn the upcoming dates as follows:

Discovery Cutoff:	March 15, 2024
Pre-Summary Judgment Motion Letters:	March 19, 2024
Case Management Conference:	April 2, 3, or 4, 2024

February 29, 2024

Page 2 of 2

We thank the Court for its time and attention to this matter.

Sincerely,

/s/ Matthew C. Heerde

Request denied. This request comes six weeks after the deposition cutoff. I believe I explained at the initial conference that if an extension request comes on the eve of the cutoff, let alone after the cutoff, I have been known to say no. This letter does not explain why the parties failed to timely schedule this deposition. At a minimum, it appears that the deposition was not timely noticed. I am not inclined to extend the fact discovery cutoff, absent a detailed explanation as to why the parties did not schedule this deposition until the end of February, more than a month past the deposition cutoff. The parties also have the option of consenting to have all proceedings before a Magistrate Judge, who is likely to be more amenable to an extension.

03/1/24

SO ORDERED.

  
CATHY SEIBEL, U.S.D.J.